

the State Board of Health; prescribing the qualifications of such additional members; providing the terms of office, fixing their compensation; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 42, Section 2 of the Acts of the 40th Legislature, 1st Called Sessions, page 131, be amended, so as to hereafter read as follows:

"Sec. 2 Composition of State Board of Health, Appointment, Term Of Office: The State Board of Health shall consist of nine (9) members, who shall be appointed by the Governor, and confirmed by the Senate and who shall have the following qualifications: Six (6) of the members shall be legally qualified, practicing physicians, who shall have had not less than five (5) years' experience in the actual practice of medicine within the State of Texas, of good professional standing, and graduates of recognized medical colleges. Of the six (6) members of the Board first appointed under the provisions of this Act, two (2) shall serve for a period of two (2) years, two (2) for a period of four (4) years, and two (2) for a period of six (6) years, or until their successors shall be appointed and shall have qualified, unless sooner removed for cause. Upon the passage of this Act, the Governor shall appoint three (3) members of the Board in addition to the six (6) members now constituting the State Board of Health. One (1) such new member shall be a Doctor of Dentistry, of reputable character, licensed under the laws of this State to practice his profession, and who has had at least five (5) years practical experience in the actual practice of Dentistry in this State; one (1) such member shall be a Pharmacist, of reputable character, licensed under the laws of this State to practice his profession and who has had at least five (5) years practical experience in the actual practice of Pharmacy in this State; and one (1) such member shall be a graduate of some reputable engineering school upon whom such school has conferred the degree of Civil Engineering, and who, since graduation for at least five (5) years, has specialized in sanitary engineering in actual work in this State. The terms of

office of the six (6) present members of the Board shall not be affected by this Act, and the terms of office of three (3) additional members shall be so arranged that one (1) shall serve for two (2) years, one (1) for four (4) years and one (1) for six (6) years. After the expiration of the terms of the first appointees to the Board the terms of all members shall be for six (6) years. The additional members shall be allowed the same compensation in attending meetings of the Board, as well as traveling expenses as provided by this Chapter. The State Health Officer shall be a member ex-officio of the Board but shall not have a right to vote. The Board shall elect a Chairman from among the nine (9) members of the Board who shall serve for a period of two (2) years or until his successor is elected."

Sec. 2. The fact that a reorganization of the State Department of Health is needed, and the importance of this legislation, creates an emergency and a public necessity requiring that the Constitutional Rule, providing that bills shall be read on three several days in each House, shall be suspended, and said Rule is hereby suspended, and this Act shall take effect from and after its passage; and it is so enacted.

#### SIXTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas,  
May 5, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Carl Hardin.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

## Absent—Excused.

Beck. Thomason.

Prayer by Rev. B. J. Forbes of the House.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hornsby.

## Petitions and Memorials.

(See Appendix.)

## Committee Reports.

(See Appendix.)

## Simple Resolution No. 134.

Senator Woodul sent up the following resolution:

Whereas, The Hon. Walter E. Monteith, Mayor of the city of Houston, is upon the Senate floor together with Hon. D. Barker, Commissioner of the city of Houston, and the Hon. Chester Bryan, former County Judge of Harris County, and former member of the House of Representatives. Now, therefore, be it

Resolved That they and each of them be extended the courtesies of the floor and that Mayor Monteith be invited to address the Senate at this time.

WOODUL.  
HOLBROOK.

Read and adopted.

## Mayor Monteith Speaks.

The Chair introduced Senator Woodul who introduced Mr. Bryan and Mayor Monteith. Mayor Monteith briefly addressed the Senate.

## S. J. R. No. 12.

The Chair laid before the Senate on its third reading the following resolution:

By Senator Purl:

S. J. R. No. 12, A joint resolution Adding another section to Article V, of the Constitution of the State of Texas, authorizing the Legislature of Texas to fix all compensations, fees and emoluments to be paid all officers except State officers; providing for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

Read third time and, and on motion of Senator Purl, laid on the table subject to call.

## S. J. R. No. 17.

The Chair laid before the Senate on its third reading the following resolution:

By Senator Woodul:

S. J. R. No. 17, Proposing to amend Section 50, Article 3, of the Constitution of the State of Texas so that it shall hereafter provide that the Legislature shall have power and authority to create and maintain a State plan of insurance to underwrite industrial accident insurance in Texas.

Read third time and failed to pass by the following vote:

Yeas—6.

Cunningham.	Parr.
Loy.	Parrish.
Neal.	Woodul.

Nays—14.

Berkeley.	Moore.
Cousins.	Purl.
DeBerry.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Williamson.
Martin.	Woodruff.

Present—Not Voting.

Oneal.

Absent.

Gainer.	Poage.
Greer.	Pollard.
Hopkins.	Rawlings.
Patton.	Woodward.

Absent—Excused.

Beck. Thomason.

## Message From the House.

Hall of the House of Representatives.  
Austin, Texas, May 5, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 100 by a vote of 109 yeas and on nays.

The House has adopted the following resolution:

S. C. R. No. 1, with amendments, adopting the Joint Rules of the Forty-first Legislature as the Joint Rules of the Forty-third Legislature.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, May 5, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution: Senate Simple Resolution No. 135, Recalling H. B. No. 536 to the House for correction.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 536.

Senator Holbrook moved to reconsider the vote by which H. B. No. 536 was finally passed. The motion prevailed.

Senator Holbrook sent up the following amendment:

Amend H. B. No. 536 by striking out lines 59, 60, 61 and 62 on page 2 of the printed bill.

HOLBROOK.

Read and adopted unanimously.

The bill was finally passed by the following vote:

Yeas—29.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Beck. Thomason.

#### House Bill No. 31.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 31, A bill to be entitled "An Act amending Section 17, subdivision 3, of Article 7065n, House bill No. 6, Chapter 88, Second Called Session of Forty-first Legislature, providing for the application for refund when claimant purchases or acquires for use gasoline upon which a refund may be due, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 31 was put on its third reading and final passage by the following vote:

Yeas—29.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Beck. Thomason.

Read third time and finally passed by the following vote:

Yeas—29.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Beck. Thomason.

#### Simple Resolution No. 135.

Senator Holbrook sent up the following resolution:

Be it Resolved by the Senate That the House be requested to return H. B. No. 536 for further consideration.

HOLBROOK.

Read and adopted.

#### S. J. R. No. 15.

The Chair laid before the Senate

on its second reading the following resolution:

By Senators Thomason and Holbrook:

S. J. R. No. 15. Proposing an amendment to Section 28, of Article 1, of the Constitution of the State of Texas, limiting the power of suspending laws in this State to the Legislature, and providing that the Legislature may delegate to the department of the State Government charged with the duty of enforcing and administering the game and fish laws of this State, such powers as the Legislature may from time to time desire to delegate.

Read second time.

Senator Holbrook moved to lay the resolution on the table subject to call. The motion prevailed by the following vote:

Yeas—17.

Berkeley.	Moore.
Cousins.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Woodruff.
Martin.	

Nays—4.

Cunningham.	Purl.
DeBerry.	Williamson.

Present—Not Voting.

Neal.	Oneal.
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Absent.

Gainer.	Rawlings.
Poage.	Woodul.
Pollard.	Woodward.

Absent—Excused.

Beck.	Thomason.
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Senate Bill No. 220.

The Chair laid before the Senate as pending business the following bill:

S. B. No. 220, A bill to be entitled "An Act creating the office of criminal district attorney in those counties which constitute at least one and not more than two separate judicial districts within themselves in which there is not now a district attorney; providing that the present

county attorney in those counties, who performs the duties of county and district attorney, shall qualify as criminal district attorney, remain in office and take the oath and give the bond required of district attorneys by the Constitution and laws of Texas, organize their forces, and continue the work as criminal district attorneys until their successors are elected and qualified; providing for the election of a criminal district attorney at the next general election; providing for the qualifications and oath of said criminal district attorney; and providing that such officers shall be commissioned by the Governor; providing that county attorneys affected by this Act shall hereafter be known as criminal district attorneys; etc., and declaring an emergency."

The pending amendment was adopted.

Senator Poage sent up the following amendment:

Amend S. B. No. 220 by adding a new section at the end of Sec. 5 to be known as Sec. 5A to read as follows:

"It is not the intention of this Act to create any office of District Attorney nor any other constitutional office but the office of Criminal District Attorney is hereby declared to be a separate and distinct office from the constitutional office of District Attorney and no Criminal District Attorney shall draw or be entitled to any salary whatsoever from the State of Texas.

POAGE.

Read and adopted.

Senator Martin sent up the following amendment:

Amend S. B. No. 220 by inserting in line 9, page 2, Section 1 of the printed bill, after the words "separate Judicial Districts," the words "and in all counties in which the County Attorney performs the duties of County Attorney and District Attorney."

MARTIN,  
LOY.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 220 was put

on its third reading and final passage by the following vote:

**Yeas—29.**

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**Absent—Excused.**

Beck. Thomason.

Read third time.

Senator Purl sent up the following amendment:

Amend S. B. No. 220, Sec. 3, page 3, line 17, by adding at the end thereof the following: but only one such fee of (16.00) shall be paid for representing the State in such habeas corpus proceedings brought by any one defendant. No matter how many writs may have been issued.

**PURL,  
LOY.**

The amendment was read.

Senator Martin moved to lay the bill and the amendment on the table subject to call.

Senator Purl moved as a substitute that the vote by which the bill was passed to engrossment be reconsidered.

Senator Martin moved to table the substitute motion. The motion to table prevailed by the following vote:

**Yeas—12.**

Cousins.	Oneal.
Holbrook.	Parr.
Hopkins.	Patton.
Hornsby.	Russek.
Martin.	Small.
Neal.	Stevenson.

**Nays—9.**

Berkeley.	Poage.
DeBerry.	Purl.
Loy.	Williamson.
Moore.	Woodruff.
Parrish.	

**Present—Not Voting.**

Cunningham. Hardin.

**Absent.**

Gainer.	Rawlings.
Greer.	Woodul.
Pollard.	Woodward.

**Absent—Excused.**

Beck. Thomason.

The motion to lay the bill and amendment on the table subject to call prevailed.

**House Bill No. 955.**

The Chair laid before the Senate on its third reading the following bill:

H. B. No. 955, A bill to be entitled "An Act amending Chapter 3, Title 51, of the Revised Civil Statutes of Texas, 1925, by adding Articles 3202a and 3202b, providing for the payment, by the guardians, or other persons legally liable for the support and maintenance of children maintained and supported in certain State institutions and schools of Texas; authorizing the State Board of Control to fix the amount of such charges; make investigations concerning the ability of such persons to make payment thereof; providing the means and manner of collecting such charges and for an additional method of discharge of such children from such institution, and declaring an emergency."

Read third time and finally passed.

**Senate Bill No. 564.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Small:

S. B. No. 564, A bill to be entitled "An Act amending Article 7268, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read second time.

**Recess.**

On motion of Senator Hornsby, the Senate, at 12:03 o'clock p. m., recessed until 2 o'clock p. m.

**After Recess.**

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem. Carl Hardin.

**At Ease.**

By unanimous consent the Senate stood at ease until certain committees completed their work.

**Senate Bill No. 564.**

The question recurred upon S. B. No. 564.

The bill was passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 564 was put on its third reading and final passage by the following vote:

**Yeas—29.**

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**Absent—Excused.**

Beck. Thomason.

Read third time and finally passed by the following vote:

**Yeas—20.**

Berkeley.	Patton.
Cousins.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hopkins.	Russek.
Hornsby.	Small.
Moore.	Stevenson.
Oneal.	Williamson.
Parr.	Woodul.
Parrish.	Woodward.

**Nays—4.**

Cunningham.	Hardin.
DeBerry.	Holbrook.

**Present—Not Voting.**

Neal.

**Absent.**

Loy.	Rawlings.
Martin.	Woodruff.

**Absent—Excused.**

Beck.

Thomason.

Senator Stevenson spread on the Journal a motion to reconsider the vote by which the bill was finally passed.

Senator Small gave notice that he would call up the motion to reconsider tomorrow immediately following the morning call.

**Senate Bill No. 415.**

Senator Greer called up from the table the following bill:

By Senator Beck, by request:

S. B. No. 415, A bill to be entitled "An Act to provide two hundred thousand dollars (\$200,000), or as much thereof as may be necessary, of the appropriation made by Acts of the Forty-first Legislature, Third Called Session, Chapter 14, to be used for the payment of tuition of rural high school pupils; repealing all laws in conflict herewith, and declaring an emergency."

Senator Greer sent up the following amendment:

Amend S. B. No. 415, Section 1, by striking out the words and figures (\$200,000) wherever they occur in Section 1, and insert in lieu thereof the words and figures (\$100,000); and by striking out the words and figures (\$200,000) wherever it occurs in the caption and inserting in lieu thereof the words and figures (\$100,000).

**GREER.**

The amendment was read and adopted by the following vote:

**Yeas—17.**

Berkeley.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Loy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parrish.	

**Nays—8.**

Cousins.	Purl.
DeBerry.	Rawlings.
Martin.	Stevenson.
Moore.	Williamson.

**Absent.**

Cunningham.	Hopkins.
Hardin.	Parr.

Absent—Excused.

Beck.

Thomason.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 415 by adding a new section to be numbered No. 1A. Provided that the money herein appropriated shall immediately be set aside to be used solely for the payment of high school tuition as provided for in this Act. It is further provided that it is the will of the Legislature that the appropriation made in this Act shall have priority over the appropriations made in H. B. 100 passed during the Regular Session of the Forty-second Legislature.

DeBERRY.

Read and adopted.

On motion of Senator Purl, the bill was laid on the table subject to call.

#### Conference Report.

Senator Woodward sent up the following Conference Committee report:  
Committee Room,

Austin, Texas, April 30, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, heretofore appointed to adjust the differences between the Senate and the House on H. B. No. 159, being

"An Act to authorize the county commissioners' court in certain counties to increase the ex-officio salary of sheriffs in said counties."

Beg leave to report that we have agreed upon the differences between the two Houses and in lieu of the original bill we have prepared and recommend for passage a substitute bill which is hereto attached.

We beg to report that in adjusting the differences we have only rewritten the language of the bill so as to meet, in our judgment, the decision of the Supreme Court in a recent case, holding invalid certain local laws.

We further report that the bill as recommended by us will at this time apply only to the counties of Goliad and Coleman and that it is so worded as to meet the objections to local bills pointed out by the Supreme Court in a recent holding by that court.

We further report that the maximum amount which might be allowed to sheriffs in these counties for ex-officio salaries is \$3000.00 per annum, the bill being so worded as to give to the commissioners' court of said counties a discretion in fixing the amount to be allowed.

We therefore recommend that the attached substituted bill be passed and that this report be in all things adopted.

JOHNSON,  
FORD,  
DWYER,  
HOLLOWAY,  
MARTIN,

On the part of the House.

WOODWARD,  
STEVENSON,  
WOODUL,  
MARTIN,  
HORNSBY,

On the part of the Senate.

Bill Recommended by Conference  
Committee in Lieu of  
Original Bill.

By Martin.

H. B. No. 159.

#### A BILL

To Be Entitled

An Act to amend Section 1 of Chapter 90, Acts of the 41st Legislature, 1st Called Session, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1, Chapter 90, of the Acts of the 1st Called Session of the 41st Legislature be amended so as to hereafter read as follows:

Section 1. In all counties having a population of not less than ten thousand and fifteen (10,015) and not more than ten thousand and forty (10,040) as shown by the United States Census of 1920 or any subsequent Federal Census and in all counties having a population of not less than ten thousand and eighty (10,080) and not more than eleven thousand and ten (11,010), as shown by the United States Census of 1930, or any subsequent Federal Census, and in all counties having a population of not less than twenty-three thousand six hundred and sixty-nine (23,669) and not more than twenty-three thousand seven hundred and fifty (23,750) according to the Federal Census of 1930, or may here-

after have a population according to any subsequent Federal Census of not less than twenty-three thousand six hundred and sixty-nine (23,669) nor more than twenty-three thousand seven hundred and fifty (23,750), the Commissioners' Court may allow the sheriff for summoning jurors in District or County Courts serving all legal notices to overseers of roads and for all other public service for which compensation is not otherwise provided for, an ex-officio allowance of not exceeding \$3000.00 per annum, the amount to be fixed by the Commissioners' Court and to be paid out of the general fund of the county.

Sec. 2. The fact that the sheriffs in the counties affected by this bill are not now adequately compensated for their services, and the further fact that this Act makes provision for payment of adequate compensation by the Commissioners' Court of counties concerned, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

**Yeas—29.**

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**Absent—Excused.**

Beck. Thomason.

**Bills Signed.**

The Chair, President Pro Tem. Carl Hardin, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 98. H. B. No. 932.  
H. B. No. 100. H. B. No. 991.

**Simple Resolution No. 186.**

Senator Pollard sent up the following resolution:

Whereas The Honorable Thurman Hill, Public Service Commissioner and a member of the Governor's advisory committee from the State of Kansas, and one of the leading Democrats of the State of Kansas, is within the presence of the Senate; now, therefore, be it

Resolved by the Senate That he be invited to address the Senate and be accorded the privilege of the Senate.

**POLLARD.**

Read and adopted.

**Mr. Hill Speaks.**

The Chair appointed Senators Pollard, Woodward and Cunningham to escort Mr. Hill to the platform.

The Chair introduced Senator Pollard who introduced Mr. Hill. Mr. Hill briefly addressed the Senate.

**Judge Downing Speaks.**

Senator Woodward introduced Judge Downing of Denver, Colorado, who briefly addressed the Senate.

**Conference Committee Appointed.**

The Chair announced the appointment of the following conferees on the part of the Senate on H. B. No. 470:

Senators Woodward, Greer, Purl, Woodul and Berkeley.

**Messages from hte House.**

Hall of the House of Representatives,  
Austin, Texas, May 5, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 402 by a vote of 116 yeas and 2 nays.

The House has concurred in Senate Amendments to H. B. No. 796 by a vote of 106 yeas and 0 nays.

The House has concurred in Senate Amendments to H. B. No. 536 by a vote of 122 yeas and 0 nays.

The House has concurred in Senate Amendments to H. B. No. 555 by a viva voce vote.



The House has adopted the Free Conference Committee Report on H. B. No. 159 by a vote of 110 yeas and 0 nays.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Mr. Haywood Speaks.

The Chair introduced Senator Parrish who introduced Mr. Haywood of Louisiana. Mr. Haywood briefly addressed the Senate.

#### Mr. Cooley Speaks.

The Chair introduced Senator Woodul who introduced Mr. Cooley of California who briefly addressed the Senate.

#### Special Orders Set.

Senator Purl moved to set H. B. 239 as special order tomorrow morning immediately following the morning call.

The motion prevailed.

On motion of Senator Moore, S. B. No. 460 was set as special order tomorrow morning following H. B. No. 239.

On motion of Senator Neal S. B. Nos. 476 and 484 were set as special order tomorrow at 2 p. m.

#### House Bill No. 770.

Senator Woodul called up the motion spread on the Journal to print H. B. No. 70 on minority report.

#### Recess.

Senator Woodruff moved to recess until 9:30 o'clock tomorrow morning.

Senator Cunningham moved to adjourn until 9:30 o'clock tomorrow morning. The motion was lost.

The motion to recess prevailed and at 5:24 o'clock p. m., the Senate recessed.

#### APPENDIX.

##### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, May 5, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 187

carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 2, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 341 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 2, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 234 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 2, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 92 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 2, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 149 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 2, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 612 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 4, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 240 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 4, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 327 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 4, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 512 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 5, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 163 carefully examined and compared and find same correctly engrossed.

Hardin, Chairman.

#### Committee Report.

Committee Room,  
Austin, Texas, May 5, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 618, A bill to be entitled "An Act to amend Article 1641 by adding thereto an other section, to be known as Article 1641-A, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

By Purl.

S. B. No. 618.

#### A BILL

##### To Be Entitled

An Act to amend Article 1641 by adding thereto another section, to be known as Article 1641-A, providing for the making of audits of counties of a certain population by Grand Juries and the State Auditor; providing generally the means and manner thereof; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1641 of

the Revised Civil Statutes of 1925 be amended by adding thereto another Article, to be known as Article 1641-A, which shall read as follows:

"Article 1641-A. In counties of a population of not less than 298,000 and not more than 355,000, according to the last Federal Census, that the Grand Jury of any County or the State Auditor when in the judgment of either an imperative public necessity exists therefor shall have authority to employ a disinterested, competent and expert public accountant for the same purposes authorized by Article 1641, or for any other necessary purpose; provided, however, that same shall not be made more than once every two years, except for the purposes of supplementing any audit theretofore made. The same notice shall be given as provided in the preceding Article, one week prior to the making of said contract with such Auditor, and the same shall be paid out of the General funds of said County."

Sec. 2. The fact that in certain counties of this State there exists a necessity for the choosing of accountants to audit the records of certain counties by persons who are employed by unbiased officers, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Committee Room,  
Austin, Texas, May 5, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1036, A bill to be entitled "An Act amending House Bill No. 97 passed by the Fourth and Fifth Called Sessions of the Forty-first Legislature, Chapter 23, page 43, repealing all laws in conflict with this Act and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MOORE, Chairman.

By Burns of McCul- H. B. No. 1036.  
lough.

A BILL  
To Be Entitled

An Act amending House Bill No. 97 passed by the 4th Called Session of the 41st Legislature, Chapter 23, Page 43 of the 4th and 5th Called Sessions of the 41st Legislature, repealing all laws in conflict with this Act and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That House Bill No. 97 passed by the 4th Called Session of the 41st Legislature shall be amended so as to hereafter read as follows:

"Section 1. It shall be unlawful for any person to fish for, take, or attempt to catch any fish in the fresh-waters of Gillespie, Blanco, Kendall, Kerr, Comal, Llano, Mason, Kimble, and Val Verde Counties, Texas, by any means or device other than by ordinary pole and line, set line, or throw line equipped with not more than two (2) hooks.

"Provided, that Section 1 of this Act shall not apply to the waters of the Colorado and Rio Grande Rivers in any of the above mentioned counties.

"Provided, that it shall be unlawful to fish with a dowagiac or other artificial bait equipped with more than two (2) hooks, and provided a person may use a minnow seine of not more than twenty (20) feet in length for catching bait.

"Possession of any tackle, not authorized by this Act, within two hundred (200) yards of any stream, lake, or other fresh-waters in the Counties named herein, shall be prima facie evidence of violation of this Act.

Sec. 2. Whoever shall barter or sell or offer for barter or sale or have in possession for the purpose of sale, any black bass, perch, crappie or catfish taken from the fresh-waters within the above named Counties, shall upon conviction be fined not less than Fifteen Dollars (\$15.00) nor more than One Hundred Dollars (\$100.00).

"Sec. 3. No person, firm or corporation or their agents shall take, catch, seine, entrap by any means, or have in their possession any black bass, perch or crappie taken from any fresh waters in said Counties

from the 1st day of March to the 1st day of May of any year.

"Sec. 4. It shall be unlawful for any person, firm or corporation to have in possession any black bass of less length than eleven (11) inches; any catfish of less length than nine (9) inches; any crappie or white perch of less length than seven (7) inches in any of the Counties mentioned in this Act.

"Sec. 5. Any person violating any of the provisions in Sections 1, 3 and 4 of this Act shall be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).

"Sec. 6. All laws or parts of laws in conflict with this Act are hereby specifically repealed."

Sec. 2. The fact that many people living in San Saba County, Texas, desire to fish with a trot line and are denied this privilege because of a law passed by the 4th Called Session of the 41st Legislature, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in the House of Representatives and in the Senate be, and the same is hereby suspended and this Act shall be in full force and effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas May 5, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1037, A bill to be entitled "An Act to create, validate and approve Dallas County Preston Road Fresh Water District No. 10, in Dallas County, Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MOORE, Chairman.

By Keller, et al. H. B. No. 1037.

A BILL  
To be Entitled

An Act to create, validate and approve Dallas County Preston Road Fresh Water Supply District No. 10, in Dallas County, Texas, to declare it to be legally constituted governmental agency and body politic and corporate, and its form-

ation to be a benefit to all property within its bounds, and that its bounds were legally designated, and adding to its powers; to authorize, validate, and approve all acts and orders of the Commissioners' Court of Dallas County, Texas, and of the Board of Supervisors of the District, its officers and representatives, in the formation of the District, and the transaction of its business; to authorize, validate, and approve all notices, postings, and returns, and all elections relating to the formation of the District, and of all hearings in connection therewith, and of all elections relating to or authorizing the issuance of bonds; to authorize, validate, and approve all returns, assessments, and collections of taxes to provide funds to pay interest and provide a sinking fund for the redemption of such bonds, and to pay collection expenses and other expenses of the District; to authorize and validate all actions of the District in contracting for, or in obtaining water for the District and its inhabitants from any other municipality or governmental or corporate body or agency, or in any other manner as provided by existing laws, and to bind the District to pay for such water and to distribute and collect for same; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Dallas County Preston Road Fresh Water Supply District No. 10, of Dallas County, Texas, heretofore organized under Chapter 4 of Title 128 of the Revised Civil Statutes of Texas of 1925, shall include within its limits the territory described in that certain order of the Commissioners' Court of Dallas County, Texas, adopted on August 7, A. D. 1930 (recorded in Book 20, Page 487, etc. of the minutes of said Court), and also in like manner herein described as follows, viz:

Beginning about five miles Northwardly from the Court House in the City of Dallas, Texas, at a point, the intersection of the South line of the Highway known as Lovers Lane with the West Corporation line of the City of University Park in Dallas County, Texas, and in the S. Popplewell Sur-

vel, the same being also the intersection of the West line of a tract of land known as the Leslie Tract;

Thence West along the South line of Lovers Lane to the intersection of the South line of Lovers Lane with the Southeasterly line of Bluff View Estates produced;

Thence in a Northeasterly direction across Lovers Lane in line with the Southeasterly line of Bluff View Estates produced and continuing Northeasterly along the Southeasterly line of Bluff View Estates to the Northeast corner of Bluff View Estates;

Thence in a Northwesterly direction along the Northerly line of Bluff View Estates to its intersection with the center line of Bachman Creek;

Thence in a Westerly and Southerly direction along the center line of Bachman Creek to the Westerly line of Midway Church Road;

Thence in a Northerly direction along the Westerly line of Midway Church Road to the North line of Royal Lane;

Thence East along the North line of Royal Lane to the South line of the Northwest Highway;

Thence West along the South line of the Northwest Highway to the West line of the Southern Methodist University 18-acre tract;

Thence South along the West line of the Southern Methodist University's 18-acre tract to the North Corporation line of the City of University Park, the same being on the North line of a 10-ft. alley South of Caruth Boulevard;

Thence West along the North line of a 10-foot alley South of Caruth Boulevard crossing Hillcrest Avenue, Turtle Creek Boulevard, and Hughes Drive, to the West line of a 250-acre tract of land purchased from Southern Methodist University and W. W. Caruth;

Thence South along the West line of the said 250-acre tract to the Southwest corner of Lot No. 1, Block No. 1 of University Heights second section, same being the Southwest corner of said 250-acre tract of land and being on the North line of an alley South of Purdue Avenue;

Thence West along the North line of said alley South of Purdue to the East line of City Annexation No. 1, City of University Park;

Thence North with the East line

of City Annexation No. 1, City of University Park, to the Northeast corner of City Annexation No. 1;

Thence West 3709 feet along the North line of Bryn Mawr Drive produced to a stake for corner;

Thence South 1790 feet to the South line of Lovers Lane, the same being the intersection of the West line of the Leslie Tract, the place of beginning; all as shown in red on map attached and made part of the original petition for the creation of the District on file in the office of the Clerk of the Commissioners' Court of Dallas County, Texas.

Sec. 2. That said District is hereby created, validated, and approved for the control, storage, preservation and distribution of fresh water from rivers, streams, lakes, reservoirs, wells, and creeks for domestic and commercial purposes, and with all of the powers conferred upon water supply districts by Chapter 4, of Title 128, of the Revised Civil Statutes of Texas of 1925, or by this Act; that said District, its creation and its organization are hereby declared to have been and to be of benefit to all of the property within the bounds of the District.

Sec. 3. That the organization and establishment of said District by the Commissioners' Court of Dallas County, Texas, together with all petitions, notices, postings, returns, orders and hearings presented to, issued, made, or held by or to said Commissioners' Court, or any other person performing any duty in respect thereto, are hereby authorized, ratified, approved and confirmed.

Sec. 4. That the election held within the District on August 2, 1930, for the purpose of determining upon the creation of the District, and the election of the Supervisors and the Tax Assessor and Collector of the District, together with all orders, notices, postings, returns, canvasses, and declarations of the results thereof, qualifications and bonds of such officers, and organization of the Board of Supervisors of the District, are hereby validated and approved, and said District is hereby empowered to act as such and to hold biennial elections as provided in the Chapter and Title aforesaid for the purpose of electing future officers of the District.

Sec. 5. That the orders adopted

by the Board of Supervisors of the District on November 13, 1930, submitting to the resident, qualified property taxpaying voters of the District the proposition for the issuance of the bonds of the District in the sum of One Hundred Seventy-five Thousand Dollars (\$175,000.00) for the purpose of constructing works and improvements within and without the District necessary to accomplish the plan of conservation, transportation, and distribution of fresh water adopted for and on behalf of the District, and the levying of a tax on all the property in the District to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof, the notices issued and posted concerning and in advance of said election, the form of ballot used thereat, the designations and qualifications of the Judges and Clerks holding said election, their returns thereon, and the act of the Board of Supervisors in canvassing the vote cast at said election and in declaring the result thereof as recorded in the minutes of said Board, showing that a majority of such resident, qualified, property taxpaying voters voting on said propositions voted in favor of the issuance of said bonds and the levy of said tax, and all levies, assessments, equalizations, and collections of taxes made or to be made pursuant thereto, and all acts of said Board of Supervisors and said Assessor and Collector of taxes and boards of equalization in levying, assessing, equalizing, and collecting the same which have heretofore been made or done, are hereby authorized, legalized, validated, and approved, and said District as thereby and herein created is given full power and authority, through its officers, annually hereafter to levy, assess, equalize, and collect taxes on all taxable property in the District sufficient to pay the interest on said bonds and to create a sinking fund for the redemption of said bonds, and to defray the expenses of collecting so long as any of the interest or principal of said bonds shall remain unpaid.

Sec. 6. That the orders adopted by the Board of Supervisors of the District authorizing the issuance of the aforesaid bonds, prescribing the date and maturities thereof, rate of interest, places of payment of in-

terest and principal, fixing the form of said bonds and their interest coupons, providing for the levy of ad valorem taxes upon taxable property in the District sufficient to pay the interest on said bonds, and to provide a sinking fund for the redemption of said bonds as they mature and the execution of said bonds, their approval, registration, and sale, are all hereby authorized, legalized, validated, approved, and confirmed, and said bonds are hereby constituted the legal, negotiable obligations of said District.

Sec. 7. That said District is hereby constituted a governmental agency and body politic and corporate, and by virtue of its organization under Chapter 4, Title 128, and Articles 7673 to 7685, both inclusive, of the Revised Civil Statutes of Texas of 1925, and by virtue of this Act, shall have full power to sue and be sued, contract and be contracted with, with full power to conserve, control, store, preserve, and distribute fresh water from rivers, streams, lakes, reservoirs, wells, and creeks, for domestic purposes, with full power to issue bonds for the purpose of carrying out the objects of its creation, and to levy, assess, equalize, and collect taxes for the purpose of paying the interest on said bonds and creating a sinking fund to redeem such bonds as they mature, and to defray the expenses of collection, and to provide a maintenance fund sufficient to defray its expenses, and with power to employ engineers, attorneys, clerks, and laborers in carrying out the objects of its creation, with like effect as though at the time or times said acts and proceedings were done or had there existed full statutory authority for the doing thereof. The Legislature hereby exercises the authority upon it conferred by Section 59 of Article 16 of the Constitution of Texas and declares that said District, as above described and constituted, is essential to the accomplishment and purposes of said constitutional provision, is and shall be a governmental agency and a body politic and corporate, with such powers of government and with the authority to exercise such rights, privileges and functions as are conferred in this Act, the General Law referred to above and all amendments thereto, and said constitutional provision;

that it is and has been legal and valid from the date it was created by the Commissioners' Court and its boundary defined and the Legislature confirms and ratifies all acts and proceedings essential to the accomplishment of the purposes of this Act, with like effect as though at the time or times each of said acts and proceedings were done or had there existed full statutory therefor.

Sec. 8. Said District is authorized and empowered to contract with the City of Dallas, or any other municipal or governmental agency, or public or private corporation for supplies of fresh water to be used within or without the District for domestic and commercial purposes, and to control, store, reserve, and distribute the same, and to charge, collect, and use reasonable rates and prices for such water supplies and the services incidental to the same.

Sec. 9. That all orders adopted by the Commissioners' Court of Dallas County and by the Board of Supervisors of the District in respect to the District, its organization, its several elections, its tax levies and tax rolls, its bond issues, as the same appear upon the minutes of said Court or said District, or certified copies thereof, are hereby constituted legal evidence of such matters, and shall be authority of the Board of Supervisors annually to levy, assess, and collect the taxes herein referred to and any and all acts and proceedings had or taken by the Board of Supervisors and other officers of the District in the improvement of the District to accomplish the objects of its creation, are hereby authorized, legalized, validated, and approved.

Sec. 10. If any Section or provision of this Act be held unconstitutional, or for any other cause be held ineffectual, no other Section or provision of this Act shall be affected thereby.

Sec. 11. That all constitutional notices required to be given prior to and in the enactment of local or special laws have been duly given in the manner and form provided by law and due proof made thereof herein.

Sec. 12. That the public importance of the purposes herein contemplated and the urgent need of the District to proceed with its improvements create an emergency and an imperative public necessity requiring

the Constitutional Rule that bills be read upon three several days in each House be suspended, and the said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

# **SIXTY-SIXTH DAY.**

(Continued.)

Senate Chamber,  
Austin, Texas,  
May 6, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

## **House Bill No. 770.**

The question recurred upon the motion to print H. B. No. 770 on minority report.

Senator Woodruff moved to lay the motion on the table subject to call.

Senator Woodul moved to table the motion to lay on the table subject to call. The motion prevailed by the following vote:

### **Yeas—15.**

Cousins.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Holbrook.	Thomason.
Loy.	Williamson.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

### **Nays—13.**

Berkeley.	Moore.
Cunningham.	Poage.
DeBerry.	Pollard.
Hardin.	Rawlings.
Hopkins.	Small.
Hornsby.	Woodruff.
Martin.	

Absent.

Parrish.	Purl.
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Absent—Excused.

Beck.

Senator Holbrook moved the previous question on the motion to print. The motion was lost by the following vote:

### **Yeas—12.**

Gainer.	Russek.
Holbrook.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Parr.	Woodul.
Patton.	Woodward.

### **Nays—15.**

Berkeley.	Oneal.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Small.
Martin.	

Absent.

Greer.	Woodruff.
Hardin.	

Absent—Excused.

Beck.

The motion to print was lost by the following vote:

### **Yeas—10.**

DeBerry.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Small.
Moore.	Woodruff.

### **Nays—16.**

Berkeley.	Patton.
Cousins.	Pollard.
Gainer.	Russek.
Holbrook.	Stevenson.
Neal.	Thomason.
Oneal.	Williamson.
Parr.	Woodul.
Parrish.	Woodward.

Absent.

Hardin.	Loy.
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Absent—Excused.

Beck.

(Pair Recorded.)

Senator Cunningham (present) who would vote yea, with Senator Greer (absent) who would vote nay.

## **Executive Session Set.**

On motion of Senator Woodul, the Senate voted to go into executive session tomorrow morning at 11:50 o'clock.